GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants – EFS&T Department – Surprise Check conducted on 01.09.2015 - Allegations of Corruption and misconduct – Common Disciplinary Proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 – Article of Charges framed against Sri Mulem Nageswara Rao, Forest Section Officer, i/c LND Peta Section, Kannapuram Range, West Godavari District -Orders – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (Sec.IV) DEPARTMENT

G.O.Rt.No.199 **Dated:01-12-2017.**

Read the following:-

Govt.Memo.No.3037/Sec.IV/A1/2016, EFS&T (Sec.IV) Dept., dt:01.12.2017.

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ORDER:

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Sri Mulem Nageswara Rao, Forest Section Officer, i/c LND Peta Section, Kannapuram Range, West Godavari District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I) and the imputation of misconduct in support of each article of charge is enclosed (Annexure-II). A list of witnesses by whom the articles of charge are proposed to be sustained and a list of documents by which are also enclosed (Annexure-III & IV).

3. Sri Mulem Nageswara Rao, Forest Section Officer, i/c LND Peta Section, Kannapuram Range, West Godavari District is directed to submit his written statement of defense within 10 days of the receipt of this order.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Mulem Nageswara Rao, Forest Section Officer, i/c LND Peta Section, Kannapuram Range, West Godavari District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring authority may hold the inquiry against him ex-parte.

6. Attention of Sri Mulem Nageswara Rao, Forest Section Officer, i/c LND Peta Section, Kannapuram Range, West Godavari District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Govt. servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Mulem Nageswara Rao, Forest Section Officer,
i/c LND Peta Section, Kannapuram Range, West Godavari District
(w.e. Annexures I to IV) through the Prl.Chief Conservator of Forests & HoFF, A.P., Guntur.(with a request to serve the order on the individual and send the served copy with dated signature)
The Prl.Chief Conservator of Forests & HoFF, A.P., Guntur.
The Secretary, A.P. Vigilance Commissioner, Velagapudi.
The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.
Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-1

(G.O.Rt.No.199, EFS&T (Sec.IV) Dept., dt:01.12.2017)

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI MULEM NAGESWARA RAO, S/O SRI RAMANNA DORA, AGE:42 YEARS, FOREST SECTION OFFICER, IN-CHARGE LND PETA SECTION KANNAPURAM RANGE, WEST GODAVARI DISTRICT

That Sri Mulem Nageswara Rao, S/o Sri Ramanna Dora joined in Government Service in Forest Department as Forest Beat Officer, Kotrupally, West Godavari District on 01.04.1993. He worked as such at kopally, Doramamidi, chintalapudi, velagapally and Raja Pangidigudem. He got promotion as Forest Section Officer on 19.09.2014 and posted at LND Peta section, Kannapuram Range, West Godavari District. He is referred to as Govt. servant. While functioning in the above capacity, he committed grave misconduct in as much as.

Charge I

He abusing his official position collected monthly mamools from the persons who are illegally transporting forest produce and on 01.09.2015 he was found in possession of Rs.1,60,000/- for which he could not account for.

Charge-II

He is performing his official duties from his residence and issuing "C" Fee receipts.

Charge-III

He is doing money landing business.

Thus Sri Mulem Nageswara Rao, Forest Section Officer, In-charge LND Peta section, Kannapuram Range, West Godavari District by his above mentioned acts, has exhibited lacks of integrity, devotion to duty and conduct unbecoming of a member service and thereby contravened Rules 3(1) (2), 9(8A) & 8(1)(b) of APSC (conduct) Rules 1964.

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-II

(G.O.Rt.No.199, EFS&T (Sec.IV) Dept., dt:01.12.2017)

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI MULEM NAGESWARA RAO, S/O SRI RAMANNA DORA, AGE:42 YEARS, FOREST SECTION OFFCER-In CHARGE LND PETA SECTION, KANNAPURAM RANGE, WEST GODAVARI DISTRICT

Sri Mulem Nageswara Rao, S/o Ramanna Dora, 42years is a native of puliramagudem, West Godavari District. His date of birth is 05.04.1974. He entered in Government service in Forest Department on 01.04.1993 as Forest Beat Officer, Kotrupally, West Godavari District on 01.04.1993. He worked as such at kopally, Doramamidi, Chintalapudi, Velagapally and Raja Pangidigudem. He got promotion as Forest Section Officer 19.09.2014 and posted at LND Peta Section, Kannapuram Range, West Godavari District. While functioning in the above capacity, he committed grave misconduct in as much as of collecting monthly mamools from persons who are illegally transporting forest produce, performing his duties from his residence, issuing "C" Fee Receipts and doing money lending business. He is drawing a basic pay of Rs.17,540/-. He is due to retire from service on attaining the age of superannuation on 30.04.2034. He is hereinafter referred to as government Servant.

Brief facts are that on credible information that the Forest Official of Kannapuram Forest Range are indulging in corrupt practices by collecting monthly mamools, a Surprise Check in Rc.No.6/SC-EWG/2015 was conducted by the Bureau on the private house of Sri Mulem Nageswara Rao, Forest Section Officer, In-charge LND Peta Section, Kannapuram Range, West Godavari District who was operating his corrupt activities from his residence situated at Dondapudi Village of Gopalapuram Mandal and collecting mamools from persons who were illegally transporting forest produce for abstaining himself from booking any cases and allow them to take wood.

The surprise check party noticed two persons chit chatting in front of the house. After few minutes one person gave some amount to other person. Immediately on the instructions of DSP the surprise check party along with DSP rushed to the spot and caught hold of them and ascertained the identity of person, who received the cash as Mulem Nageswara Rao S/o.Sri Rammana Dora, aged 42 years, Forest Section Officer, LND Peta Section, Kannapuram Range, R/o. Door No.1-18/1, Dondapudi Village, Gopalapuram Mandal, W.G District., and another person reveled his identity as Sri Muthapolu Satyanarayana of LND Peta. Then on the instructions of the DSP, mediators received the amount from Forest Section Officer and upon counting the amount is found to be Rs.1,60,000/-. When the DSP asked the FSO, Sri M.Nageswara Rao about receipt of above amount, he did not give any reply and kept silent. When the DSP asked Sri Satyanarayana about the

transaction between FSO and himself, he stated that he used to collect monthly mamools from illegal transporters of forest produce every month and handover the same to FSO he further stated that he gave mamools for the month of September to FSO prior to surprise raid by ACB officials. Then the DSP seized the amount of Rs.1,60,000/- for the purpose of investigation.

Further during the surprise check conducted and found 21 promissory notes and two cheque books were found in the house of the Government Servant Out of 21 promissory notes two are bearing Telugu signatures of Balapatri Nageswara Rao and Megam Bhagyasri Karthik and remaining are empty out of two cheque books one cheque book is containing 18 cheques from Si.No.222209 to 222225 of SBI, Polavaram having signature of B.Posiyya while another cheque book is containing 41 cheques from Si.No.752260 to 752300 of SBI, JR Gudem in which 24 cheques having signature of MBS Karthik from Si.No.752260 to 752283. Apart from promissory notes and cheque books and one note book titled as Guptas Deluxe full index book containing 132 sheets and the names of barrowers (1.B.Posiyya, 2.MBBS Kartik, 3. B.Nageswara Rao, 4. B.Rambabu) was also found. When DSP asked about the promissory notes, cheque books and account book found in the western side room of the house. The Government Servant stated that, he is doing money-lending business and the persons whose names are mentioned in the note book took loan from him. Then the DSP seized the promissory notes, cheque books and account note book duly attested by the Mediators.

Further, the surprise check party found two “C” fees receipt books in the western side room and those are in printed pro-forma. Out of which one book is maintained from receipt no.0189301, dated 10.09.2014 to 0189350, dated 04.03.2015 and the second receipt book is current one containing from receipt no.0238551 to no.0238600 and written up to receipt no.0238569, dated 31.07.2015, the last pages of the receipt book is certificate issued by Asst. Conservator of Forest (P), Forest Range Officer (Independent Charge) Kannapuram, signed by ACF along with stamp and further the FSO stated that as Forest Section Officer, he can impose fine up to Rs.20,000/- for the offences of illegal transportation, illegal storage of wood etc., and after imposing fine he collects the fine amounts and issue receipt to concerned and after 31.01.2015 he did not collect any fine amount. Then the DSP seized the receipt books duly signed by the mediators and DSP for purpose of investigation.

Thus the Government Servant by abusing his official position collected illegal amounts performing official duties from his residence and also doing money lending business.

Thus the Charged Government Servant has therefore rendered himself liable for regular departmental action for major penalty for violation of Rules. Rules.3(1) & (2) 9 (8A) & 8 (1) (b) of APCS (conduct) Rules 1964.

The Government Servant has therefore rendered himself liable for regular departmental action.

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

(G.O.Rt.No.199, EFS&T (Sec.IV) Dept., dt:01.12.2017)

LIST OF WITNESSES EXAMINED

1. Sri K.Rajendra Rao, Dy.Supdt. of Police, Anti-Corruption Bureau, Eluru Range, Eluru
2. Sri U.J.Wilson, Inspector of Police, Anti-Corruption Bureau, Eluru Range, Eluru.

Mediators:

1. Sri Yarlagadda Raghavendra Rao S/o Venkateswara Rao, Age:55yrs, Occ: Head Master, ZP High School, Vasantawada Village, Pedapadu Mandal, West Godavari District, r/o Plot No.30, Road No.2, Gulabithota, behind water works, Eluru, W.G. District.
2. Sri Somisetty Venkateswara Rao S/o. Satyanarayana, Age 53 years, Junior Assistant, O/o. District Educational Officer, West Godavari District, Eluru., R/o. Door No.1-33, Indiranagar Colony Road, Sanivarapupeta, Eluru Mandal, W.G. District.

3. Sri Muthanaboina Satyanarayana S/o Venkata Ratnam, 37 years, Tailor LND Pet, Polavaram Mandal, West Godavari District.
4. Sri Chanda Koteswara Rao S/o Papa Rao, 40 years, Dondapudi Village, Gopalapuram Mandal, W.G. District.
5. Sri Kopelli Ganga Raju S/o Aravalu, 60 years, Dondapudi Village, Gopalapuram Mandal, W.G. District.
6. Sri Sirigiri Suri Babu Suryanarayana, S/o Veeranna, 50 years, Dondapudi Village, Gopalapuram Mandal, W.G. District.
7. Sri Ankolu Posiyya S/o Narasimha Murthy, 30 years, Dondapudi Village, Gopalapuram Mandal, W.G. District.
8. Sri Pilli Ramakrishna S/o Papa Rao, 50 years, Dondapudi Village, Gopalapuram Mandal, W.G. District.
9. Sri Ankolu Lakshmana Rao S/o Musalaiah, 35 years, Dondapudi Village, Gopalapuram Mandal, W.G. District.
10. Sri Nomula Satyanarayana @ Satti Babu S/o Satti Babu, 40 years, Dondapudi Village, Gopalapuram Mandal, W.G. District.
11. Sri Sirigiri Durga Rao S/o Satyanarayana, 50 years, Dondapudi Village, Gopalapuram Mandal, W.G. District.
12. Sri Sandha Satyanarayana S/o Bulliyya, 45 years, Dondapudi Village, Gopalapuram Mandal, W.G. District.
13. Sri Jariga Bala Ram S/o Nukayya, 45 years, Dondapudi Village, Gopalapuram Mandal, W.G. District.
14. Sri Ankolu Veerababu S/o Satyanarayana, 50 years, Dondapudi Village, Gopalapuram Mandal, W.G. District.
15. Sri Pilli Dhanunjaya Rao S/o Maheshwara Rao, 22 years, Gopalapuram (V) (M), W.G. District

16. Sri Dhulipalla Venkatesh S/o Mutyalu, 30 years, Gopalapuram (V) (M), W.G. District.
17. Sri Chidrala Durga Rao S/o Rama Rao, 45 years, Gopalapuram (V) (M), W.G. District.
18. Sri Yelike Durga Maheswara Rao S/o Late Satyam, 54 years, Near Subrahmanyam Temple, Tadepalligudem Road, Koyyalagudem (V)(M) W.G. District
19. Sri Balaparthi Nageswara Rao S/o Durga Rao, 25 years, Auto Driver, Markandeyapuram Village, Jangareddy Gudem Mandal, West Godavari District
20. Sri Balaparthi Rambabu S/o Durga Rao, 25 years, Auto Driver, Puliramanagudem Village, Buttaiah Gudem Mandal, West Godavari District
21. Sri Bhukya Posiyya S/o Veeranna, 42 years, Forest Beat Officer (FBO), Kunkalu Beat, Kannapuram Range, West Godavari District r/o near Petrol Bunk, Dondapudu Village, Gopalapuram Mandal, West Godavari District
22. Sri Megham Bhagyasri Karthik S/o Late Rajendra Prasad, 30 years, Forest Beat Officer, Dondapadu Beat, Kannapuram Range, West Godavari District
23. Smt. Vardhineedi Bharathi W/o Pothuraju, 50 years, Anganavadi Worker, Nizampalem Village, Polavaram Mandal, West Godavari District
24. Any other witnesses they may be produced at the time of conducting enquiry.

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

(G.O.Rt.No.199, EFS&T (Sec.IV) Dept., dt:01.12.2017)

LIST OF DOCUMENTS

1. Surprise Check Mediators Report dated 01.09.2015
2. Two "C" Fees Receipt Books (One book maintained from Receipt No:0189301 dated 10.09.2014 to 0189350 dated 04.03.2015 and second book maintained from Receipt No:0238551 to 0238600 written upto Receipt No:0238569 dated 31.07.2015)
3. 21 Nos. of Promissory Notes out of which two are bearing telugu signatures of Balapatri Nageswara Rao and Megam Bhagyasri Karthik and remaining are empty
4. Cheque Book of State Bank of India, Polavaram containing 18 cheque leaves from 222209 to 22225 and having signatures of Sri B. Posiyya
5. Cheque Book of Stated Bank of India, Jangareddy Gudem containing 41 cheque leaves from 752260 to 752283 and having signatures of Sri MBS Karthik
6. One Note Book titled as Gupta's Deluxe Full Index Book having names of borrowers containing 132 sheets
7. Any other documents produced at the time of enquiry.

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER